IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.1644 of 2005
With
Civil Application No.1113 of 2007

Sanjay Ramesh Keni & ors. Petitioners

Vs.

Yeshwant Vasudeo Natu & ors. Respondents

Mr.Vilas B. Tapkir for petitioners.

Mr.G.S.Godbole for respondents.

CORAM: B.H.MARLAPALLE, J.

June 14, 2007.

P.C.

1. Heard Mr.Tapkir, the learned counsel for the petitioners - tenants, Mr.Godbole, the learned Counsel appears for the respondents-landlords. The decree of eviction passed by the trial Court on 29/6/1998 has been confirmed by the lower Appellate Court on 10/1/2005 by dismissing the appeal and this petition has been waiting for admission for the last more than two and half years during which period the petitioners - tenants continued to occupy the suit premises. During the pendency of this petition

admittedly Petitioner no.2 - Madhukar Raghunath Marne is not occupying the suit premises to the extent in his occupation when the decree was passed and the premises are under lock. The remaining three petitioners have furnished undertakings today stating that they are ready and willing to hand over the possession of the respective premises they are occupying by 31st December 2007 or 31st March 2008.

2. The first petitioner - Shri Sanjay Ramesh Keni has stated that his minor children i.e. son - Subhodh, 17 years and daughter Samrudhi, 11 years are studying in 10th and 7th standard respectively and, therefore, he has undertaken to vacate the two rooms in his possession by 31st March 2008. This request appears to be fit for favourable considerations.

3. Petitioner No. 3 - Shri Prakash Bandu Kudale has sated that he is occupying the premises along with his three family members i.e. wife - Pramila, son - Sachin and daughter - Deepali. Both his children are major. The decree having been passed by the lower Appellate Court more than two and half years ago, I do not find any justification in granting time to petitioner no.3 upto 31st December

2007.

4. The petitioner no. 4 - Ramchandra Nair has fairly conceded that he is using the premises for commercial purpose and he has also requested extension of time upto 31st December 2007 to vacate the room in his occupation.

5. So far as petitioner no.2 is concerned, the petition stands rejected summarily for non-prosecution.

. The request made by the petitioner no.1 for extension of time to vacate the premises upto 31st March 2008 is hereby allowed and the undertakings submitted by him and also his wife are taken on record and marked as Annexures "A" and "B" respectively and these undertakings are treated as final and they have assured this Court through their learned counsel that they would not take any further steps to challenge the eviction decree after 31st March 2008 or before that.

. So far as Petitioner No.4 - Ramchandra Nair is concerned, his undertaking is taken on record and

marked as Annexure "C" and he is hereby granted time to vacate the suit premises in his possession by 31st July 2007 and this extension is granted on specific undertaking that he does not desire to challenge the eviction decree any further.

. So far as the petitioner no. 3 - Prakash Bandu Kudale is concerned, as noted earlier, his request to grant time to vacate upto 31st December 2007 cannot be considered and he is hereby granted time to vacate the suit premises latest by 31st October 2007 and on a specific undertaking that the eviction decree is not going to be challenged by him any further as has been conveyed through is learned counsel. His undertaking is taken on record and marked as Annexure "D". The undertaking of his wife - Mrs.Pramila Kudale is marked as Annexure "E", the undertaking of Sachin Kudale is marked as Annexure "F" and undertaking of Deepali Kudale is marked as Annexure "G" and taken on record.

6. The writ petition is disposed off in terms of the above directions. Petitioner no.3 along with his family members and petitioner no.4 shall file fresh undertakings in terms of the above directions within

a period of two weeks from today with the Registry of this Court.

7. Civil application does not survive and the same stands disposed.

(B.H.MARL